

TOWN OF EAST LONGMEADOW
REGULATIONS FOR OUTDOOR WOOD
BURNING BOILERS

Section 1. Findings and Purposes:

Whereas outdoor wood burning boilers have been shown, because of their designs, to omit high quantities of particulate matter and other noxious fumes; and

Whereas poor management and improper fuel exacerbate the effects of the smoke created by the operation of these units;

The Board of Health of the Town of East Longmeadow, pursuant to Section 31 of Chapter 111 of the Massachusetts General Law, hereby adopts these regulations in order to minimize the human health hazards resulting from the smoke and noxious fumes emitted by outdoor wood burning furnaces, to encourage proper techniques in the use and location of these boilers, and to promote the public health, safety, comfort and convenience.

These regulations shall be effective upon adoption.

Section 2. Definitions:

- A. Fuel: Wood that has not been painted or chemically treated.
- B. Grandfathered Outdoor Wood Burning Furnace: An outdoor wood-burning furnace that was constructed, installed and capable of operation on or before February 29, 2008 and that complies with Section 3.B and is registered with the Board of Health on or before February 29, 2008 as set forth herein.
- C. Outdoor Wood-burning Furnace or Wood-burning Boiler: An accessory Structure or appliance designed to be located outside of living space ordinarily used for human habitation and designed to provide or transfer heat, by liquid or other means, though the burning of fuel for heating spaces other than that where such structure or appliance is located, and any other structure or appliance on the premises used in conjunction with human habitation, domestic heating of swimming pools, hot tubs, or a Jacuzzi water appliance or system (of similar appliance or system), but shall not include a fire pit, wood-fired barbecue or free standing front loading fireplace or similar structure.

Section 3. Requirements:

Any outdoor wood-burning furnace constructed or placed in operation after March 1, 2008 shall conform to the following requirements:

- A. An outdoor wood-burning furnace shall not be installed or constructed within five hundred feet of the nearest residence not serviced by the outdoor wood burning furnace and shall not be installed or constructed within fifty feet of any residence it does service; and
- B. The chimney of the outdoor wood-burning furnace shall be at a height that is greater than the height of any roof peak of any residences not serviced by the outdoor wood-burning furnace that are located within five hundred feet of the outdoor wood-burning furnace, which residences are, provided the chimney height shall not be more that sixty feet; and
- C. Only fuel shall be burned in the outdoor wood-burning furnace; and
- D. Installation and operation of the outdoor wood-burning furnaces shall be in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of these regulations; and
- E. Operation of outdoor wood-burning furnaces during the months of April, May, June, July, August and September is prohibited; and
- F. A permit for the operation of an outdoor wood-burning furnace must be obtained from the Board of Health or its designated agent annually before October 1; and
- G. Grandfathered outdoor wood-burning furnaces, in order to be entitled to a permit for the October 1, 2008 season and thereafter, must comply with the requirements for chimney height in Section 3.B; and
- H. The Board of Health shall maintain a record book of all grandfathered outdoor wood-burning furnaces entitled "Grandfathered Outdoor Wood-Burning Furnaces Registry Book" each grandfathered outdoor wood-burning furnace shall be verified by the Health Agent and so noted in the registry book. No outdoor wood-burning furnace shall be a grandfathered furnace unless it is listed in said registry book on or before February 29, 2008.

I. The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion, (1) the enforcement thereof would do manifest injustice and (2) the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. All variances shall be considered at a hearing by the Board of Health.

Section 4. Penalty:

Any person who operates an outdoor wood-burning furnace in violation of these regulations will be fined one hundred dollars (\$100.00) for the first offense, two hundred and fifty dollars (\$250.00) for the second offense and five hundred (\$500.00) for the third and all subsequent offenses. Each day of operation of such outdoor wood-burning furnace in violation of these regulations shall constitute a separate violation. In addition to any other means of enforcement of these regulations they may be enforced pursuant to the noncriminal disposition procedures contained in section 8.130 of the General By-laws.

Any person who operates an outdoor wood-burning furnace in violation of Massachusetts General Law, Chapter 111, Section 142 E shall be in violation of these regulations and shall be fined one hundred dollars (\$100.00) for the first offense and two hundred and fifty dollars (\$250.00) for the second offense in a twelve month period. A third offense in a twelve month period will result in an order from the Health Agent to said operator to dismantle the outdoor wood-burning furnace for violation of Massachusetts General Laws, Chapter 111, Section 142 E and these regulations.

Adopted this 15th day of January, 2008.

Board of Health

Joe Townshend, Chairman

Jack Villamaino

James Driscoll